



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,428	07/09/2001	Craig M. Whitehouse	840.052203	8546

7590 11/19/2003
Levisohn, Lerner, Berger & Langsam
Suite 2400
757 Third Avenue
New York, NY 10017

EXAMINER

NGUYEN, KIET TUAN

ART UNIT PAPER NUMBER

2881

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,428

Applicant(s)

Whitehouse et al.

Examiner

K. MUYEN

Group Art Unit

2881

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 07-23-03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 99 and 115-120 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 99 and 115-120 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Objected Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for subjecting the parent ions to collision induced dissociation to generate fragment ions as recited in step (b) of claims 99 and 115; means for trapping the fragment ions and any remaining parent ions as recited in step (c) of claims 99 and 115; means for periodically releasing pulses of the trapped ions into a Time-Of-Flight instrument as recited in step (d) of claims 99 and 115; a delay between the release of the pulses of trapped ions and initiation of pulses in the TOF and means for adjusting the delay as recited in step (e) of claims 99 and 115; means for scanning the first and second ... the desired range as recited in claim 117; means for setting the first mass ... ratios as recited in step (a) of claim 118; means for adjusting the delay as recited in step (b) of claim 118; means for releasing the pulses ... adjusting the width of the pulse period as recited in claim 119; and means for adjusting the pulse period and the delay ... ratio as recited in claim 120 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Rejection Under 35 U.S.C. 112, First Paragraph

Claims 99 and 115-120 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification is completely silent for reciting the limitations “subjecting the parent ions to collision induced dissociation to generate fragment ions” as recited in step (b) of claims 99 and 115; “trapping the fragment ions and any remaining parent ions” as recited in step (c) of claims 99 and 115; “periodically releasing pulses of the trapped ions into a Time-Of-Flight instrument” as recited in step (d) of claims 99 and 115; “providing a delay between the release of the pulses of trapped ions and initiation of pulses in the TOF”, and “adjusting the delay ... charge ratio” as recited in step (e) of claims 99 and 115; “sequentially scanning over a range of masses to effect a parent ion scan” as recited in claim 116; “scanning the first and second ... the desired range” as recited in claim 117; “sequentially setting the first mass ... ratios as recited in step (a), “adjusting the delay for detection of corresponding fragment ion” as recited in step (b), and “the TOF ... (MRM) scan as recited in step (c) of claim 118; “releasing the pulses ... adjusting the width of the pulse period ... ratio” as recited in claim 119; and “adjusting the pulse period and the delay ... ratio” as recited in claim 120.

Additional explanations are needed if applicant insists on including these features in claims 99 and 115-120 without the introduction of new matter.

Applicant's arguments filed on July 23, 2003 have been fully considered but they are not persuasive.

All the limitations above pointed out by applicant in the argument are not disclosed in the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner *Kiet T. Nguyen* whose telephone number is (703) 308-4855.

Application/Control Number: 09/901,428
Attorney's Docket No. 840.052203

Art Unit: 2881
Paper No. 14

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

K.T.N/Primary
November 16, 2003


**KIET T. NGUYEN
PRIMARY EXAMINER**